

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

SABRINA VINCENT,  
PLAINTIFF,

V. CIVIL ACTION NO. \_\_\_\_\_

COLLEGE OF THE MAINLAND,  
DEFENDANT.

PLAINTIFF'S, SABRINA VINCENT, ORIGINAL COMPLAINT

This original complaint is filed on behalf of Sabrina Vincent, hereinafter and sometimes referred to as Plaintiff, against College of Mainland, hereinafter and sometimes referred to as Defendant. Plaintiff complains with respect to discrimination and retaliation in the employment context that ultimately led to Plaintiff's termination. For good cause, Plaintiff would show unto the Court as follows, to-wit:

Jurisdiction and Venue

1. Jurisdiction vests under 28 U.S.C. section 1331, (federal question), 28 U.S.C. section 1343 (civil rights); 42 U.S.C. section 2000(e) and the Americans with Disabilities Act.

Parties

2. At all times material to this action, Plaintiff has resided in Galveston County, Texas.

3. Plaintiff is a American citizen of African American origin.

4. College of the Mainland is an educational institution located in Texas City, Texas.

Underlying Facts

5. Plaintiff filed an internal complaint of discrimination on February 27, 2012. Plaintiff complained that she was enduring a racially hostile work environment. The complaint of discrimination was denied at both Level I and Level II of the grievance process.

6. On March 30, 2012, the College completed its investigation regarding the complaint of racially hostile work environment. The report found that there was not a racially hostile environment but did make certain recommendations, including addressing Plaintiff's request for accommodations.

7. In May 2012, Plaintiff requested modification of her work schedule due to a disability (anxiety and depression). Plaintiff requested to be able to utilize her leave time when she was late for work. At the time the request was made there had not been a complaint of

Plaintiff being late for work. On or about May 15, 2012, Complainant was informed that her request for accommodation being granted but with the caveat that Plaintiff would be moved from her current work location to the Academic Success Lab and her other assigned area taken away from her. Plaintiff complained with regards to the stripping of her job duties. The College's response to Plaintiff's complaint was the supervisor had the authority to re-assign Plaintiff, and the reassignment allows the College to modify Plaintiff's work schedule without causing undue hardship on the department.

8. During the week of July 23<sup>rd</sup>, 2012, Plaintiff was approached by Larry Click, a White male, inquiring with respect to a tape measure that was sticking out of Plaintiff's pocket. When Click inquired with respect to the use of such a short tape measure (3 feet), Plaintiff said she used the tape measure to measure furniture when shopping. Click then responded, "Oh, so you use it to measure your fat ass." Complainant complained to her supervisor with regards to Click's comments. Click issued a one-line apology on July 31, 2012.

9. On or about August 20, 2012, a Formal Level 1 Conduct Correction Plan was issued to Plaintiff complaining: "Due to sporadic notification to her

supervisor as to when she was going to be late for work." The Level I also suggested that Plaintiff could not be located in the workplace. This document was placed in Complainant's file.

10. On or about November 16, 2012, Plaintiff received another Correction Plan. This new document was a Level 2 complaint. The new complaint referenced to the Level 1, in addition to adding new complaints: i) excessive time spent in office, sporadic use of location process and refusing to work in collaboration with personnel in the lab (information obtained from Larry Click); ii) dereliction of duties (information obtained from Click); iii) wrongful use of college equipment and funds; iv) insubordination; v) undue hardship to the College.

11. With regards to the new complaint, the Plaintiff filed a grievance internally with the College.

12. Plaintiff complains that new action is retaliatory in nature and continued disparate treatment based on race and sex in violation of Title VII, 42 U.S.C. section 2000(e).

13. Plaintiff was informed on July 12, 2013 that she was being placed on Level 4 Discipline and her employment would be terminated effective immediately on receipt of the notice. Complainant feels that her termination is improper

in that she has previously complained with regards to retaliation and the violation of her FMLA/ADA rights and the basis for termination is inconsistent with accommodation the Plaintiff's condition. It should be noted the Plaintiff had not used her leave time at the time of the termination and the basis for termination is pretextual. In addition, it should be shown that Plaintiff performed the essential functions of her job. Plaintiff feels her rights under FMLA, Americans with Disabilities Act and the right not to be retaliated against for filing a complaint is being violated.

Prayer for Relief

14. Plaintiff prays for the following relief:

- A. Declaratory judgment stating that the Defendant has engaged in discriminatory and retaliatory conduct and that Defendant has violated Plaintiff's civil rights;
- B. Compensatory damages incurred in the past, present and future;
- C. Loss of wages, including back wages and front pay if reinstatement not provided as a remedy;
- D. Reasonable and necessary attorney's fees incurred in the prosecution of this matter.

E. Pre-judgment and post-judgment interest;

F. Costs of court.

15. Plaintiff also prays for all relief in equity and under law to which he may be deemed entitled.

DATE: February 14, 2014.

Respectfully submitted,

/s/ ANTHONY P. GRIFFIN

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ANTHONY P. GRIFFIN  
ATTORNEY-IN-CHARGE

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ATTORNEY FOR PLAINTIFF  
SABRINA VINCENT

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